

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN W. MILLER,

Plaintiff,

- vs. -

APPLE INC.,

Defendant.

Case No. 25-cv-01172-JPC-RFT

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE, that based upon the accompanying Memorandum of Law in Support of Motion to Dismiss, and all prior pleadings and proceedings, Defendant Apple Inc. (“Apple,” sued erroneously as “Apple, Inc.”), respectfully moves this Court, before the Honorable Robyn F. Tarnofsky, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, pursuant to Federal Rule of Civil Procedure Rule 12(b)(2) and 12(b)(6), for an order (a) dismissing Plaintiff John Miller’s First Amended Complaint (Dkt. 3) in its entirety with prejudice for lack of personal jurisdiction and failure to state a claim; and (b) awarding Apple such other and further relief as the Court may deem just and proper.

Opposition and reply papers with respect to this motion will be due in accordance with Local Civil Rule 6.1.

Dated: New York, New York
March 18, 2025

DAVIS WRIGHT TREMAINE LLP

By: _____

John M. Magliery
Sharon Alice Joseph

1251 Avenue of the Americas, 21st Floor
New York, NY 10020-1104
johnmagliery@dwt.com
sharonjoseph@dwt.com
Tel: 212.489.8230

-and-

Adrian Vallens (*pro hac vice* forthcoming)
350 S. Grand Ave, 27th Fl.
Los Angeles, CA 90071
adrianvallens@dwt.com
Tel. 213.633.6800

Attorneys for Defendant Apple Inc.